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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,  
12 Plaintiff/Respondent,

13 v.

14 RUBEN JURADO-CIRNES,  
15 Defendant/Petitioner.  
16 \_\_\_\_\_

) Civil No. 08-CV-1366-JLS  
) Criminal No. 08-CR-0659-JLS

) **ORDER DISMISSING**  
) **PETITIONER'S MOTION UNDER**  
) **28 U.S.C. § 2255**

17 Currently pending before the Court is Petitioner's Motion for Time Reduction by an  
18 Inmate in Federal Custody brought pursuant to 28 U.S.C. § 2255. The Court has reviewed the  
19 record in this case which establishes that Petitioner waived both his right to appeal and to  
20 collaterally attack his conviction and sentence. (Plea Agreement at 3, ¶ 12.) Petitioner's motion  
21 raises no challenge to the validity of this waiver,<sup>1</sup> therefore this Court lacks jurisdiction to  
22 consider any collateral challenge to his conviction and sentence. *See Washington v. Lampert*,  
23 422 F.3d 864, 869 (9<sup>th</sup> Cir. 2005) (recognizing that sentencing agreement's valid waiver of the  
24 right to file a federal habeas petition deprives district court of jurisdiction to hear case).

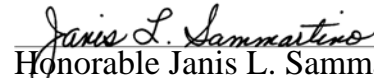
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27 <sup>1</sup> The sole basis for relief presented in Petitioner's motion is the allegation that  
28 Petitioner's sentence fails to provide equal protection under the United States Constitution  
because Petitioner, a citizen of Mexico, is not entitled to participate in a drug rehabilitation  
program during his incarceration.

1 Accordingly, Petitioner's Motion for Time Reduction by an Inmate in Federal Custody  
2 pursuant to 28 U.S.C. § 2255 is **DISMISSED**.

3 **IT IS SO ORDERED.**

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5 DATED: December 22, 2008

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8 Honorable Janis L. Sammartino  
United States District Judge  
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